

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 24, 2018

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Zenon Simiano

Case Number: 0980 4:14CR06017-EFS-1

Address of Offender:

Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: December 19, 2014

Original Offense: Distribution of Controlled Substance - Methamphetamine, 21 U.S.C. § 841(a)(1),
841(b)(1)(B)(viii)

Original Sentence: Prison 60 months; TSR - 48
months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Patrick J. Cashman

Date Supervision Commenced: February 14, 2018

Defense Attorney: John Barto McEntire, IV

Date Supervision Expires: February 13, 2022

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 05/24/2018; 06/06/2018; 06/25/2018; and 06/29/2018.

The probation officer believes that the offender has violated the following condition of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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6	Special Condition # 19: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: The offender is considered to be in violation of his period of supervised release by using a controlled substance, methamphetamine, on or prior to August 9, 2018.

On February 20, 2018, the offender signed his Judgement in a Criminal Case, indicating he understood he was not to use illegal controlled substances and that he would be subject to urinalysis testing.

On August 9, 2018, the offender reported to the probation office to provide a random drug test. The sample was obtained and a presumptive test was conducted. The presumptive test returned positive for the presence of methamphetamine. The offender was asked twice if he had used any controlled substances and he denied any use. The offender added, "send it in."

Re: Simiano, Zenon

August 24, 2018

Page 2

The sample was forwarded to Alere for confirmation. The sample was confirmed positive by Alere for the presence of methamphetamine on August 14, 2018.

On August 20, 2018, the offender reported to the probation office and was confronted with the results. He admitted he had been using methamphetamine on a regular basis.

7

Special Condition # 19: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is considered to be in violation of his period of supervised release by using a controlled substance, methamphetamine, on or prior to August 20, 2018.

On February 20, 2018, the offender signed his Judgement in a Criminal Case, indicating he understood he was not to use illegal controlled substances and that he would be subject to urinalysis testing.

As noted within violation #6 above, the offender reported to the probation office on August 20, 2018, and was confronted about the August 9, 2018, positive drug test. The offender admitted he had been using on a regular basis. The offender was advised an additional test would be obtained prior to his leaving. The offender admitted he had continued to use after the August 9, 2018, test and that his last use of methamphetamine was on August 16, 2018. The offender signed an Admission Report on August 20, 2018, stating he would test positive for the presence of methamphetamine and he had last used on August 16, 2018.

The U.S. Probation Office respectfully recommends the Court incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/24/2018

s/David L. McCary

David L. McCary
U.S. Probation Officer

Re: Simiano, Zenon

August 24, 2018

Page 3

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

August 24, 2018

Date